

**Appl. No.** : **10/646,103**  
**Filed** : **August 22, 2003**

## **REMARKS**

In the December 12, 2007 Office Action, the Examiner rejected Claims 8, 9, 12, 13, and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,496,759 to Yue; rejects Claims 10-11 under 35 U.S.C. § 103(a) as being obvious over Yue in view of U.S. Patent No. 6,291,891 to Higashi; and states that Claims 14, 15, and 17-20 would be allowable if rewritten in independent form.

Applicants request reconsideration of the rejections in view of the foregoing amendments and the following comments.

### **Allowable Subject Matter**

Applicants note with appreciation that the Examiner has found that Claims 14, 15, and 17-20 would be allowable if rewritten in independent form.

Applicants have rewritten Claims 14, 17, 19, and 20. Claims 15 and 18 depend from Claims 14 and 17, respectively, and no longer depend from rejected base claims. Accordingly, Applicants request allowance of Claims 14, 15, and 17-20.

### **Claims 12 and 16**

Without acquiescing to the Examiner's rejections, Applicants have canceled Claims 12 and 16 without prejudice herewith to speed issuance of the allowed and allowable claims. Accordingly, the rejections to Claims 12 and 16 are now moot. Applicants reserve the right to pursue any of the canceled claims in a continuation application.

### **Rejection of Claim 8**

The Examiner rejects Claim 8 as anticipated by Yue. Applicants have amended Claim 8 to recite that the conductive etch stop barrier layer is "of CrSi." Applicants respectfully submit that CrSi is not taught or suggested by Yue, as recognized by the Examiner in finding Claim 14 to be allowable, and request the withdrawal of the rejection to Claim 8.

### **Rejection of Claim 9 and 13**

Claim 9 depends from Claim 8 and should be patentable for at least the reasons described for Claim 8.

Applicants have changed the dependency of Claim 13 from rejected Claim 12 to allowable Claim 14. Claim 13 should be patentable for at least the reasons described for Claim 14.

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### Rejection of Claims 10 and 11

The Examiner rejects Claims 10-11 under 35 U.S.C. § 103(a) as being obvious over Yue in view of Higashi. Claims 10 and 11 are dependent claims of Claim 8, which has been amended as discussed above, and recite further limitations that provide particular advantage in combination with the features of Claim 8. Applicants respectfully submit that the combination of Yue and Higashi does not teach, for example, “a conductive etch stop barrier layer of CrSi...” Accordingly, all the claim limitations are not taught or suggested. In order “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Accordingly, Applicants request allowance of Claims 10 and 11.

### SUMMARY

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner to withdraw the rejections of the claims under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), and the objections to the claims. Applicants further request the Examiner to allow Claims 8-11, 13-15, and 17-20 and to pass the present application to the issue process.

If there is any further impediment to the prompt allowance of the present application, Applicants request the Examiner to call the undersigned attorney of record at (310) 407-3466 or at the telephone number listed below to resolve any such impediment.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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